(1) CP 1007 Single Bench (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P.NO. 4046 /2004

PETITIONER

M.D.Banjara S/o Shri H.R.Banjara Aged 52 years, Presently Posted as Deputy Director, Panchayat and Social Welfare Department Janjgir-Champa, Chhattisgarh

P.R. No. 1039/04 Presented by Shri Shashi Bhushan Shukla dated 2/7/04 C27

VERSUS

RESPONDENT

State of Chhattisgarh through Secretary, Panchayat and Social Welfare Department, D.K.S.Bhawan, Raipur C.G.

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA. FOR ISSURANCE OF AN APPROPRIATE RIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION(S)/ORDER(S) IN THE LIKE NATURE ETC.

20/10/04

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 4046/04 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	25-11-2004 Shri Shailendra Shukla, counsel for the petitioner. Shri V.V.S. Murthy, Dy. Advocate General with Shri Akhil Agrawal, Panel Lawyer for the State. Application for urgent hearing is allowed. Heard. Learned counsel for the petitioner submits that the matter relates to transfer of the petitioner. He further submits that the petitioner has been transferred from Janjgir to Sarguja vide order dated 6-10-2004 (Annexure-P/1). He also submits that the petitioner was transferred on 29-9-2003 (Annexure-P/2). He also submits that the transfer is in contravention of clause 2.7 of transfer policy as more than 10% employees have been transferred. He also submits that none has been posted in place of the petitioner. He also submits that for the present the petitioner may be given an opportunity of filing the detailed representation before the competent authority of the respondents, which shall be considered on its own merits in accordance with law. Having considered and without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner to make a detailed representation raising his grievances before the competent authority of the respondents along with a copy of the petition and this order, within 15 days, and on such representation being filed, the competent authority of the respondents shall decide the same on its	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

own merits in accordance with law as early as possible preferably within two months from the date of receipt of the representation.

Learned counsel for the petitioner submits that the petitioner has not been relieved. He prays that the petitioner may be allowed to continue.

It is directed that if the petitioner has not been relieved and other person has not joined in place of the petitioner, the petitioner may be allowed to continue till the representation is decided. It is made clear that if the petitioner has already been relieved or other person has already joined in place of the petitioner, this order will not entitle the petitioner to rejoin at the earlier place of posting.

With the aforesaid observations, this petition stands disposed of.

Consequently M.W.P.No.4439/2004 also stands disposed of.

Sd/-
Acting Chief Justice

Gowri

GI.PRJ—FS/78 — 9/2006 —50,000.